

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR 2002-093045

08/21/2003

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT
B. Giles
Deputy

FILED: 08/26/2003

STATE OF ARIZONA

JEANNETTE GALLAGHER

v.

MICHELLE LEE HEATH (B)
DOB: 12/13/1975

RICHARD K MILLER

APO-SENTENCINGS-SE
APPEALS-SE
DISPOSITION CLERK-SE
RFR
VICTIM SERVICES DIV-CA-SE

SENTENCE - IMPRISONMENT AND PROBATION

State's Attorney:	Jeff Zick
Defendant's Attorney:	Richard K. Miller
Defendant:	Present
Court Reporter:	Helene Paustian

LET THE RECORD REFLECT that the Court is in possession of correspondence written on behalf of the Defendant

LET THE RECORD REFLECT that Robert and Debra Heath address the Court on behalf of the Defendant.

WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 3: Child Abuse
Class 2 designated felony and Dangerous Crime Against Children
A.R.S. § 13-3623(A), (B)(1), 604.01, 701, 702 and 801
Date of Offense: On 04/26/1998 through 05/04/1998

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Non Dangerous - Non Repetitive

OFFENSE: Count 5: Child Abuse

Class 4 designated felony

A.R.S. § 13-3623(A), (C), 701, 702, 702.01 and 801

Date of Offense: On 04/25/1998 through 05/04/1998

Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 3: 10 year(s) from 08/21/2003

Presentence Incarceration Credit: 471 days

Minimum

Community Supervision: Waived pursuant to A.R.S. § 13-603(K) and 41-1604.07(D), due to the term of probation in Count 5.

IT IS ORDERED suspending imposition of sentence and placing Defendant on probation as stated in the Uniform Conditions of Probation.

Count 5: Probation Term: 20 years beginning from upon release from DOC as to Count 3.

Conditions of probation include the following:

Condition 23 - Restitution, Fines, and Fees:

PROBATION SERVICE FEE: \$50.00 per month.

Payment shall commence on the first day of the second month upon release from supervision of the Department of Corrections, at not less than \$50.00 per month.

All amounts payable through the Clerk of the Superior Court.

Condition 25 - Abide by the Special Conditions as noted on the attachment to the Terms and Conditions of Probation.

IT IS ORDERED granting the Motion To Dismiss the following: Counts 4, 6, 7 and 8.

Count(s) 3: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

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IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this order together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

IT IS ORDERED amending the 07/18/2003 Plea Agreement/Change of Plea minute entry on page 2, paragraph 1, to reflect Date of Offense: 04/26/1998 through 05/04/1998 in place of and instead of Date of Offense: 04/26/1998 through 05/04/2008.

The balance of the minute entry remains the same.

cc: DOC - Certified Copy via Certification Desk

cc: MCSO-DIS - Certified Copy via Certification Desk

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Defendant's thumbprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE DAVID M. TALAMANTE
JUDGE OF THE SUPERIOR COURT

(thumbprint)